

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

SHARON DALLAS, *as Administrator of
the Estate of Charles Duynes, deceased,*
Plaintiff,

v.

Civil No. 3:21cv349 (DJN)

SERGEANT CRAFT *et al.*,
Defendants.

ORDER AND FINAL JUDGMENT

Whereas the Plaintiff, Sharon Dallas, Administrator of the Estate of Charles Duynes, deceased, and all relevant parties, by counsel, pursuant to Section 8.01-50 of the Code of Virginia, move this Court for approval of settlement and compromise of all claims arising out of the wrongful death of Charles Duynes, and as part of this petition respectfully represent as follows:

1. That Sharon Dallas qualified as Administratrix of the Estate of Charles Duynes, deceased, before the clerk of the Circuit Court for the City of Norfolk, Virginia, on August 9, 2019.
2. That on or about June 2, 2019, Charles Duynes died while in the custody of Sussex I State Prison.
3. That Charles Duynes is survived by his six (6) children, Aryanna Duynes, Zyquan Stith, Azayah Palmer, Javil Painter, Adasia Butts, and Antonio Forrest, all of whom are persons entitled to share in the recovery resulting from the wrongful death of Charles Duynes, pursuant to Virginia Code Ann. Section 8.01-53(A)(i).

4. While it is alleged that the death of Charles Duynes was caused by the negligence of Armor Correctional Health Services, Sejal Patel, Michael Picio, Benjamin Ulep, Shirley Abouhassoun-Semlali, Tracie Seward, Dawnte Walker, Makeshia Sykes, Crystal Allen, Sgt. Ronnie Craft, Officer Dwayne Moss, Sgt. Brandon Norris, and Cpt. Tory Johnson, any such negligence is denied by them.

5. That Armor Correctional Health Services, Benjamin Ulep, Shirley Abouhassoun-Semlali, Tracie Seward, Dawnte Walker, Makeshia Sykes, and Crystal Allen have agreed upon a settlement for the aggregate sum of One Hundred Thousand Dollars (\$100,000.00), payable as follows: An initial payment of \$50,000.00 and six installments, five of which shall be in the amount of Eight Thousand Three Hundred and Thirty-Three and 33/100 United States Dollars (\$8,333.33) and the final installment shall be in the amount of Eight Thousand Three Hundred and Thirty-Three and 35/100 United States Dollars (\$8,333.35). These installments shall be made monthly, starting on February 15, 2023, with monthly payments due on the 15th of each ensuing month. Fraim and Fiorella, PC, counsel for the Estate, shall be responsible to distribute the periodic payments equal to 1/6 of the monthly payment, or \$1,388.89, to each beneficiary designated in paragraph 10, as all payments are received.

6. That the Commonwealth Of Virginia, by and through the Virginia Department Of Corrections, has agreed upon a settlement for the aggregate sum of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) to Plaintiff's counsel for the claim against Ronnie Craft, Dwayne Moss, Brandon Norris, and Tory Johnson. Pursuant to the Settlement Agreement and Release entered into by the parties on December 27, 2022, this sum shall be remitted to Plaintiff's counsel before March 28, 2023.

7. That Sejal Patel has agreed upon a settlement for Twenty-Three Thousand and Two Hundred and Sixty-One Dollars and Ninety-Four Cents (\$23,261.94) to Plaintiff's counsel for the claim against Sejal Patel. Additionally, Sejal Patel's insurance carrier has agreed to make a payment of Twenty-One Thousand and Seven Hundred and Thirty-Eight Dollars and Six Cents (\$21,738.06) for Loss Adjustment Expenses, which are not compensation for any claim, to Plaintiff's counsel. These two payments total Forty-Five Thousand Dollars (\$45,000). Counsel for Patel will prepare a Release for Patel to sign and return to the undersigned, who will hold said release until receiving confirmation from counsel for Patel that he has in his possession the settlement funds totaling \$45,000.00. Upon confirmation, the undersigned will have his client execute the Release and return it to counsel for Patel, who will then tender the settlement funds to the undersigned.

8. That on December 21, 2022, this Court entered an Order substituting Barton & Associates, Inc. as a defendant in place of Michael Picio, dismissing Michael Picio with prejudice (ECF No. 143). Barton & Associates, Inc. has agreed upon a settlement in the sum of Thirty-Seven Thousand and Five Hundred Dollars (\$37,500.00). This sum will be remitted to the Plaintiff before January 28, 2023.

9. The Court appointed a Guardian Ad Litem to represent the interests of the minor beneficiaries, Adasia Butts and Antonio Forrest. (ECF No. 146.) The Guardian Ad Litem has no objection to the settlement. (ECF Nos. 150, 153.)

10. The total sum of Three Hundred Fifty-Seven Thousand and Five Hundred Dollars (\$357,500.00) shall be paid as follows:

- The sum of One Hundred Sixty Thousand Eight Hundred Seventy-Five Dollars (\$158,229.00) to be paid to the law firm of Fraim & Fiorella, PC, Jon M.

Babineau, Esq., and Don Scott, Esq. for legal services rendered, as provided for in the legal services contract dates May 22, 2020;

- The sum of Two Thousand Six Hundred Forty-Six Dollars (\$2,646.00) to be paid to the Guardian Ad Litem, Elizabeth “Betsy” Davis, Esq., for legal services rendered, pursuant to the Court’s Order (ECF No. 146);
- The sum of Twenty-One Thousand Seven Hundred Thirty-Eight and 06/100 Dollars (\$21,738.06) to be paid to the law firm of Fraim & Fiorella, PC for legal costs, as provided for in the legal services contract dates May 22, 2020;
- The sum of Twenty Thousand Dollars (\$20,000.00) to be paid to Sharon Dallas, Administrator for the administration of the Estate necessary for this matter to have been prosecuted and settled as set forth herein;
- The sum of Twenty-Five Thousand Eight Hundred Fourteen and 49/100 Dollars (\$25,814.49) to be paid to Aryanna Duynes;
- The sum of Twenty-Five Thousand Eight Hundred Fourteen and 49/100 Dollars (\$25,814.49) to be paid to Zyquan Stith;
- The sum of Twenty-Five Thousand Eight Hundred Fourteen and 49/100 Dollars (\$25,814.49) to be paid to Azayah Palmer;
- The sum of Twenty-Five Thousand Eight Hundred Fourteen and 49/100 Dollars (\$25,814.49) to be paid to Javil Painter;
- The sum of Twenty-Five Thousand Eight Hundred Fourteen and 49/100 Dollars (\$25,814.49) for Adasia Butts shall be paid to the Norfolk Circuit Court Clerk to be held and distributed according to Virginia Statutory Law; and

- The sum of Twenty-Five Thousand Eight Hundred Fourteen and 49/100 Dollars (\$25,814.49) for Antonio Forrest shall be paid to the Norfolk Circuit Court Clerk to be held and distributed according to Virginia Statutory Law.

11. That on December 28, 2022, a Stipulation of Dismissal with Prejudice was entered by this court as to Ronnie Craft, Dwayne Moss, Brandon Norris, and Tory Johnson.


12. That upon payment of the sums herein, the case against Armor Correctional Health Services, Sejal Patel, Barton & Associates, Inc., Benjamin Ulep, Shirley Abouhassoun-Semlali, Tracie Seward, Dawnte Walker, Makeshia Sykes, and Crystal Allen, shall be dismissed with prejudice.

This Judgment is final and appealable.

Let the Clerk file a copy of this Final Order and Judgment electronically and notify all counsel of record.

It is so ORDERED.

This case is now CLOSED.

/s/ 

David J. Novak
United States District Judge

Richmond, Virginia
Dated: April 7, 2023